

2009 SESSION

INTRODUCED

097804338

SENATE BILL NO. 1265

Offered January 14, 2009

Prefiled January 14, 2009

A *BILL to amend the Code of Virginia by adding in Chapter 1 of Title 46.2 a section numbered 46.2-116, relating to children unattended in motor vehicles; penalties.*

Patron—Vogel

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 46.2 a section numbered 46.2-116 as follows:

§ 46.2-116. *Leaving an unattended child in a motor vehicle; penalty.*

A. Any driver or operator of a motor vehicle who leaves an unattended child in a motor vehicle is guilty of a Class 1 misdemeanor.

B. A law-enforcement officer who observes or is alerted to the existence of an unattended child shall use whatever means are reasonably necessary to protect the child. If the law-enforcement officer removes the child from the immediate area, he shall leave an obvious written notice on the motor vehicle. The law-enforcement officer shall give notice of the unattended child to Child Protective Services.

C. "Unattended child" as used in this section means a child under six years of age who has been left in a motor vehicle by the driver or operator of the vehicle when the driver or operator is unable to continuously observe the child, unless a person 12 years of age or older is physically present in the motor vehicle with the child.

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